

1 **REMARKS**

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3 At the time of the Eleventh Office Action dated February 5, 2008, claims 1-16 were

4 pending in this application. Claims 1-3 and 13 have been rejected, and Applicant acknowledges,

5 with appreciation, the Examiner's allowance of claims 4-12 and 14-16.

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7 Applicant has cancelled claims 1-3, 7-13, and 15-16 to remove these claims from further

8 consideration in this application. Applicant is not conceding in this application that those claims

9 are not patentable, as the present claim amendments and cancellations are only for facilitating

10 expeditious prosecution of the allowable subject matter noted by the Examiner. Applicant

11 respectfully reserves the right to pursue these and other claims in one or more continuations

12 and/or divisional patent applications.

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14 **CLAIMS 1-3 AND 13 ARE REJECTED UNDER 35 U.S.C. § 101**

15 On pages 2 and 3 of the Eleventh Office Action, the Examiner asserted that the claimed

16 invention, as recited in claims 1-3 and 13, is directed to non-statutory subject matter. Claims 1-3

17 and 13 have been cancelled, and thus, the Examiner's rejection as to these claims is moot.

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Application No.: 09/240,265

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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